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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,572	11/09/2000	Noriyuki Ito	1614.1093	2299

21171 7590 06/03/2003

STAAS & HALSEY LLP
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EXAMINER

SIEK, VUTHE

ART UNIT PAPER NUMBER

2825

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/708,572

Applicant(s)

ITO ET AL.

Examiner

Vuthe Siek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to application 09/708,572 and amendment filed on 3/10/2003. Claims 1, 5 and 9 remain pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishiyama et al. (U.S. Patent No. 5,519,630).

4. As to claims 1, 5 and 9, Nishiyama et al. teach the claim limitations of a computer program method for processing of hierarchically configured design data at least in Figs. 23a-23b (col. 20, lines 50-67; col. 21, lines 1-67; col. 22, lines 1-29) comprising a) obtaining first design data of a predetermined rank of hierarchy (information of design object or design data one-rank lower than the design object or design data); b) obtaining second design data of a rank of hierarchy higher than the predetermined rank of hierarchy, after the obtaining the first design data (a select rank of design object or design data or an upper-rank element, it is possible to retrieve all lower-rank elements forming such upper-rank element, where the lower-rank elements corresponding to retrieved first design data); and c) combining the second design data to the first design data. In addition, as claim 9, since Nishiyama teaches a method of designing a hierarchical layout of a circuit, the step of retrieving wiring data an upper rank after the

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retrieving the design data is inherently included within when forming an upper-rank element, it is possible to retrieve all lower-rank elements. The layout of a circuit includes wiring data of the rank structure as taught by Nishiyama. Displaying a hierarchical layout is inherently within the technological art of CAD tools as taught by Nishiyama.

Remarks

5. Applicants argued that Nishiyama does not when a lower rank is referred to, data of an upper rank, which physical data that is present in the lower rank physically, can be selectively referred to, after referring to the lower rank. Examiner respectfully submits that Nishiyama teach similar subject matter. Nishiyama teaches that each of circuit element of design objects (in hierarchical layout design), has information relating to the one-rank lower circuit element or design object. Accordingly, when an upper-rank element is selected, it is possible to retrieve all lower-rank elements forming such an upper-rank element with the use of such rank information (col. 21, lines 18-29). Since information of all lower-rank elements are retrieved to form an upper-rank elements, the upper-rank element is formed or obtained after the retrieving of the all lower-rank elements (first design data) or after the obtaining of the first design data. Accordingly, current claims are not patentable over Nishiyama patent.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vuthe Siek whose telephone number is (703) 305-4958. The examiner can normally be reached on M-F (6:30-4:00) 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on (703) 308-1323. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Vuthe Siek
Primary Examiner
May 27, 2003


VUTHE SIEK
PRIMARY EXAMINER